

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE COMMITTEE *FOR* ECONOMIC DEVELOPMENT

PROPOSED AMENDMENTS TO THE GUERNSEY COMPETITION AND REGULATORY AUTHORITY
ORDINANCE, 2012 AND APPOINTMENT OF THE CHAIRMAN

The States are asked to decide:-

Whether, after consideration of the Policy Letter, entitled “Proposed Amendments to the Guernsey Competition and Regulatory Authority Ordinance, 2012 and Appointment of the Chairman”, dated 6th November 2019, of the Committee *for* Economic Development (the “**Committee**”), they are of the opinion:-

1. To amend Schedule 1 to the Guernsey Competition and Regulatory Authority Ordinance, 2012 (the “**Ordinance**”), so that:
 - (a) the Committee shall in future appoint the Chairman, as well as the ordinary members of the Guernsey Competition and Regulatory Authority (the “**GCRA**”);
 - (b) any such appointments shall be laid before a meeting of the States, who shall have the power to annul the appointments, but without prejudice to anything done by the GCRA or any such member during their appointment; and
 - (c) the Committee, rather than the States, may revoke the appointment of the Chairman, in the circumstances currently provided in the Ordinance.
2. To appoint the current Chairman, Mr. Paul Masterton, as Chairman for the period, from 1st January 2020 to 30th June 2020.
3. To direct the preparation of such legislation, as may be necessary, to give effect to the above decisions.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

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PROPOSED AMENDMENTS TO THE GUERNSEY COMPETITION AND REGULATORY
AUTHORITY ORDINANCE, 2012 AND APPOINTMENT OF THE CHAIRMAN

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

6th November 2019

Dear Sir

1 Executive Summary

- 1.1 The Guernsey Competition and Regulatory Authority ("**GCRA**") is a statutory body, with responsibility for enforcing competition law in Guernsey.
- 1.2 The GCRA is governed by the Guernsey Competition and Regulatory Authority Ordinance, 2012 (the "**Ordinance**").
- 1.3 Pursuant to the Ordinance:
 - 1.3.1 the GCRA consists of a minimum of 3 members (the "**Members**"), one of whom is the Chairman;
 - 1.3.2 the Committee *for* Economic Development (the "**Committee**") is responsible for the appointment of the Members; and
 - 1.3.3 the States of Deliberation (the "**States**"), on recommendation of the Committee, are responsible for the appointment of the Chairman.
- 1.4 An area for amendment of the Ordinance has been identified, by the Committee, to enhance efficiency in respect of the appointment of Members.
- 1.5 This Policy Letter details proposed amendments to the Ordinance, which the States are asked to approve.
- 1.6 The Committee also recommends that the States appoint Mr. Paul Masterton as Chairman of the GCRA for the period 1st January 2020 to 30th June 2020.

2 Proposed amendments to the Ordinance

- 2.1 It is proposed that Schedule 1 to the Ordinance be amended so that:
- 2.1.1 the Committee shall in future appoint the Chairman, as well as the ordinary members of the GCRA;
 - 2.1.2 any such appointments shall be laid before a meeting of the States, who shall have the power to annul the appointments, but without prejudice to anything done by the GCRA or any such member during their appointment; and
 - 2.1.3 the Committee, rather than the States, may revoke the appointment of the Chairman, in the circumstances currently provided in the Ordinance.
- 2.2 These proposed amendments would simplify the appointment process. The amendments are also consistent with the mechanism for appointment in relation to other statutory bodies, such as the Guernsey Banking Deposit Compensation Scheme Board, with which the Committee has oversight.

3 Appointment of Chairman

- 3.1 The term of appointment for the current Chairman is due to expire on 31st December 2019.
- 3.2 Pursuant to paragraph 1(2) of Schedule 1 to the Ordinance, the States currently appoints the Chairman of the GCRA, on the recommendation of the Committee.
- 3.3 The Chairman of the GCRA is also appointed as Chairman of the Jersey Competition and Regulatory Authority (the “JCRA”).
- 3.4 In Jersey, appointment of the Chairman of the JCRA is a matter for that island’s States Assembly, on the recommendation of the relevant Minister, in this case the Minister for Economic Development, Tourism, Sport and Culture.
- 3.5 A recruitment process for appointment of a new Chairman was commenced in August 2019. A pan-Channel Islands selection panel was formed, comprising officer-level representatives of the Committee in Guernsey and the Minister’s Department for Economic Development, Tourism, Sport and Culture in Jersey, and a representative of the Jersey Appointments Commission.
- 3.6 The role was advertised locally in the Guernsey Press and Jersey Evening Press, and their associated websites. A number of applications were received for the post, and the selection panel identified two applicants for interview. Due to the withdrawal of one of the applicants, from the process, it was felt appropriate for a second round of recruitment to be effected.

- 3.7 It is intended to commission a consultant to assist in the recruitment process.
- 3.8 To ensure operational continuity, and whilst the recruitment process is ongoing, it is the recommendation of the Committee that the States appoint Mr. Paul Masterton, as Chairman for the period, from 1st January 2020 to 30th June 2020. It is anticipated that this short term appointment will allow for the recruitment process to be completed and a preferred candidate to be identified and appointed.

4 Compliance with Rule 4

- 4.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 4.2 In accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the proposition above has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- 4.3 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the proposition above has the unanimous support of the Committee.
- 4.4 In accordance with Rule 4(5) of the Rules of Procedure of the States of Deliberation and their Committees, the Propositions relate to the duties of the Committee including competition, innovation, diversification and regulation in the economy.

Yours faithfully

C N K Parkinson
President

A C Dudley-Owen
Vice-President

D de G de Lisle
N R Inder
J I Mooney

The President
Policy & Resources Committee
Sir Charles Frossard House
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7th November, 2019

Dear Deputy St Pier,

Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(2) of the Rules of Procedure of the States of Deliberation and their Committees, the Committee *for* Economic Development (the “**Committee**”) requests that the Policy Letter, entitled “Proposed Amendments to the Guernsey Competition and Regulatory Authority Ordinance, 2012 and Appointment of the Chairman” be considered at the States’ meeting to be held on 11th December 2019.

The term of appointment for the current Chairman is due to expire on 31st December 2019. The Committee requests that the Policy Letter be considered by the States at the earliest opportunity, in order to maintain continuity and the effective functioning of the Guernsey Competition and Regulatory Authority.

Yours sincerely,



Deputy Charles Parkinson
President